

PATENT  
ATTORNEY DOCKET NO. 01997/536002

#12  
gm  
8/31/03

Certificate of Mailing: Date of Deposit: August 22, 2003

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Christine M. Colbert

Printed name of person mailing correspondence

Christine M. Colbert

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Robert Horvitz et al. Art Unit: 1642  
Serial No.: 09/872,523 Examiner: Misook Yu  
Filed: June 1, 2001 Customer No.: 21559  
Title: A TUMOR SUPPRESSOR PATHWAY IN *C. ELEGANS*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
AUG 28 2003  
TECH CENTER 1600/2900

REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement that was mailed in connection with the above-captioned case on June 3, 2003, Applicants provisionally elect the invention of Group 33, claims 20, 21, 24, 25, and 29 (in part). The election is made with traverse.

Applicants submit that Groups 33-37 should be examined together. Group 33 is drawn to nucleic acid molecules encoding a LIN-61 polypeptide which includes at least 130 contiguous amino acids of SEQ ID NO:5 and modulates cell proliferation. Groups 34-37 are drawn to nucleic acid molecules encoding various mutant LIN-61 polypeptides. The claims of these groups all are directed to nucleic acid molecules that encode LIN-61

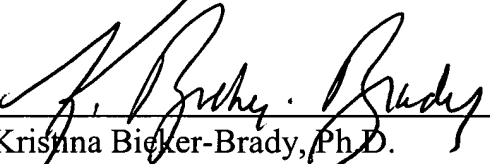
polypeptides and these polypeptides are defined by Sequence Identification Numbers in the claims. Further, as taught in the specification, for example at page 30, lines 9-12, mutant LIN-61 polypeptides, like a wild-type LIN-61 polypeptide, can modulate cell proliferation. Thus, given that these nucleic acid molecules encompassed by the claims of Groups 33-37 are related in that they all encode a LIN-61 polypeptide that can modulate cell proliferation, and given that these LIN-61 polypeptides comprise the sequence of particular Sequence Identification Numbers, examining these five groups together would not present an undue burden on the Examiner.

Enclosed is a petition to extend the period for replying to the Restriction Requirement for two months, to an including September 3, 2003, as well as a check in the amount of \$205.00 for the required fee. If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

August 22, 2003

  
\_\_\_\_\_  
Krishna Bieker-Brady, Ph.D.  
Reg. No. 39,109

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045  
01997.536002 Reply to Restriction Requirement.doc